



IFW

PATENT
Attorney Docket No. INL-083CP6C5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Auerbach CONFIRMATION NO.: 8755
SERIAL NO.: 10/759,644 GROUP NUMBER: 1637
FILING DATE: January 16, 2004 EXAMINER: Not yet assigned
TITLE: IN VITRO AMPLIFICATION OF NUCLEIC ACID MOLECULES
VIA CIRCULAR REPLICONS

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of July, 2004.


Nichole Loura

Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Notification and Correction of Error in Small Entity Status (1 pg.) with copies of fee transmittal (1 pg.) and canceled check (1 pg.) submitted on January 16, 2004 attached at Exhibit A;
3. Request for Corrected Filing Receipt (1 pg.) with copy of filing receipt attached at Exhibit A (2 pgs.) and copy of canceled check attached at Exhibit B (1 pg.);
4. Supplemental Application Data Sheet (2 pgs.);
5. Copy of Limited Recognition (1 pg.); and
6. Return receipt postcard



TRANSMITTAL FORM

Application Serial Number	10/759,644
Filing Date	January 16, 2004
First Named Inventor	Auerbach
Group Art Unit	1637
Examiner Name	Not yet assigned
Attorney Docket No.	INL-083CP6C5
Confirmation No.	8755

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawings <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input checked="" type="checkbox"/> Notification and Correction of Error in Small Entity Status (1 pg.) <input checked="" type="checkbox"/> A copy of the fee transmittal submitted on January 16, 2004 (1 pg.) <input checked="" type="checkbox"/> A copy of the canceled check in the amount of \$770.00 submitted on January 16, 2004 for payment of the filing fee (1 pg.) <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal and/or Submission of Appeal Brief <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Request for Corrected Filing Receipt (1 pg.) <input checked="" type="checkbox"/> A copy of the filing receipt (2 pgs.) <input checked="" type="checkbox"/> A copy of the canceled check in the amount of \$770.00 submitted on January 16, 2004 for payment of the filing fee (1 pg.) <input checked="" type="checkbox"/> Supplemental Application Data Sheet (2 pgs.) <input checked="" type="checkbox"/> Copy of Limited Recognition (1 pg.)
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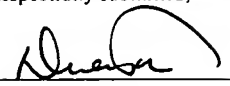
CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: July 7, 2004
Reg. No.: Limited Recognition
Tel. No.: (617) 248-7808
Fax No.: (617) 248-7100

Respectfully submitted,


Duan Wu
Attorney for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110



PATENT
Atty. Docket No. INL-083CP6C5
(4643/139)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Auerbach CONFIRMATION NO.: 8755
SERIAL NO.: 10/759,644 GROUP NO.: 1637
FILING DATE: January 16, 2004 EXAMINER: Not yet assigned
TITLE: IN VITRO AMPLIFICATION OF NUCLEIC ACID MOLECULES VIA
CIRCULAR REPLICONS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

NOTIFICATION AND CORRECTION OF ERROR
IN SMALL ENTITY STATUS
(37 CFR 1.28)

Pursuant to 37 C.F.R. 1.28 (c), Applicant hereby notifies the Commissioner for Patent that small entity status has been erroneously established in this application through a clerical mistake in the Application Data Sheet submitted on January 16, 2004, and seeks to rectify the error through a Supplemental Application Data Sheet and a Request for Corrected Filing Receipt submitted herewith.

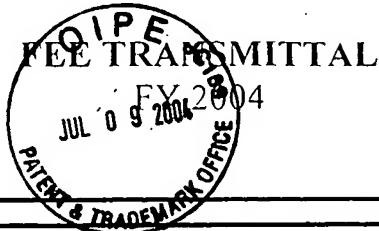
Applicant further submits that requirements of 37 C.F.R. 1.28 (c) (1) & (2) are satisfied as only one application is at issue and that check no. 227962 of \$ 770.00 was submitted for a large entity at filing of the Application on January 16, 2004. Copies of the Fee Transmittal and the canceled check are attached with this paper under Exhibit A. Applicant submits that no further fee is due for correcting the entity status in this Application.

Respectfully submitted,

Date: July 7, 2004
Reg. No.: Limited Recognition

Customer No.: 021323
Tel. No.: (617) 248-7808
Fax No.: (617) 248-7100

Duan Wu
Attorney for Applicant
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110



Comp. if Known	
Application Serial Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	Jeffrey I. Auerbach
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	INL-083CP6C5

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																									
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		<div style="text-align: center; font-size: 2em; font-weight: bold;">COPY</div>																																																																																									
3. <input type="checkbox"/> Applicant claims small entity status.		<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>420</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>950</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1480</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2010</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>330</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>330</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>290</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>770</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>770</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>110</td><td>55</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td></td><td></td><td>Request for Continued Examination</td><td></td></tr> <tr><td></td><td></td><td>Other fee (Specify)</td><td></td></tr> <tr><td></td><td></td><td>Other fee (Specify)</td><td></td></tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement		770	385	Filing a submission after final rejection (37 CFR 1.129(a))		770	385	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		110	55	Submission of Terminal Disclaimer				Request for Continued Examination				Other fee (Specify)				Other fee (Specify)	
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Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted, Date: January 16, 2004 Reg. No.: 43,153 Tel. No.: (617) 310-8168 Fax No.: (617) 248-7100 Attorney for the Applicant Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																									

COPY

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Testa, Hurwitz & Thibault, LLP

125 High Street
Boston, MA 02110

Fleet Bank, N.A.
Boston, Massachusetts 02110

5-39/110

Date:

227962
January 16, 2004

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Testa, Hurwitz & Thibault, LLP

[Signature]

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PHILADELPHIA PA 01232004
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PATENT

Attorney Docket No. INL-083PC6C5 (4643/139)

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Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the Patent Office for the above-identified application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is incorrectly entered:

<i>Error In</i>	<i>Correct Data</i>
1. <input checked="" type="checkbox"/> Filing Fee Rec'd	1. 770
2. <input checked="" type="checkbox"/> Entity status	2. Large Entity
3. The error is indicated in the highlighted text on a copy of the filing receipt attached at Exhibit A.
4. A copy of the canceled check in the amount of \$770.00 for payment of the filing fee is attached at Exhibit B.

Respectfully submitted,

Duan Wu
Attorney for Applicant
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

Date: July 7, 2004
Reg. No.: Limited Recognition

Customer No.: 021323
Tel. No.: (617) 248-7808
Fax No.: (617) 248-7100



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/759,644	01/16/2004	1637	385	INL-083CP6C5	19	2	2

CONFIRMATION NO. 8755

021323
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

RECEIVED**FILING RECEIPT**

OC000000013031616

JUN 24 2004

TESTA, HURWITZ & THIBEAULT, LLP
PATENT DEPARTMENT

Date Mailed: 06/22/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jeffrey I. Auerbach, Rockville, MD;

Assignment For Published Patent Application

Replicon, Inc., Rockville, MD;

Domestic Priority data as claimed by applicant

This application is a CON of 10/143,862 05/14/2002 PAT 6,740,745
which is a CON of 09/899,834 07/09/2001 PAT 6,448,017
which is a CIP of 09/657,943 09/08/2000 PAT 6,261,808
which is a CIP of 09/188,214 11/09/1998 PAT 6,218,152
which is a CON of 08/906,491 08/05/1997 PAT 5,834,202
which is a CIP of 08/595,226 02/01/1996 PAT 5,733,733
which is a CIP of 08/533,852 09/26/1995 PAT 5,614,389
which is a CIP of 08/383,327 02/03/1995 PAT 5,591,609
which is a CIP of PCT/US93/07309 08/04/1993
which is a CIP of 07/933,945 08/24/1992 ABN
which is a CIP of 07/924,643 08/04/1992 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 04/08/2004

Projected Publication Date: 09/30/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

In vitro amplification of nucleic acid molecules via circular replicons

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

CO. Y

January 16, 2004

770.00

Testa, Hurwitz & Thibault, LLP

Rogers

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